

U.S. Patent Application Serial No. 10/578,777

Response filed August 7, 2009

Reply to OA dated April 15, 2009

REMARKS

Claims 1-12 are pending in this application. Claim 1 is amended herein. Upon entry of this amendment, claims 1-12 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is as follows:

The amendment to claim 1 is made to clarify that there the shrink label is "enclosed thereto" (i.e., to the PET bottle), that the adhesive coating film layer "lies between the heat-shrinkable film and the PET bottle," and that "the adhesive coating film layer is in contact with the PET bottle." Support for the amendment can be found on page 2, lines 16 to 22, and on page 4, lines 13 to 18 of the specification.

Further, amendment is made to clarify that the adhesive coating film layer has "an adhesion such that the peel strength as measured after keeping the coating film surface of the shrink label and a PET film in pressure contact with each other at a pressure of 8.5 MPa in a 40°C atmosphere for 24 hours is within the range of 5 mN/50 mm to 17 N/50 mm." This amendment only represents a clarification of the previous wording. Support for the amendment can be found on page 4, lines 22 to 34, of the specification.

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Claims 1-6 and 9-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ezawa et al. (U.S. Patent No. 4,966,805) in view of Komiya et al. (U.S. Patent No. 4,704,445).
(Office action paragraph no. 2)

Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ezawa et al. (U.S. Patent No. 4,966,805) in view of Komiya et al. (U.S. Patent No. 4,704,445) and further in view of Eckes et al. (U.S. Patent No. 4,812,492). (Office action paragraph no. 3)

Reconsideration of the rejection is requested in view of the clarifying amendment to claim 1. Applicant submits that this amendment is only for clarity, and does not change the scope of claim 1.

(1) Applicant respectfully submits that the Examiner has misinterpreted the structure of the PET bottle of the present invention. Specifically, in the section "ANSWERS TO APPLICANT'S ARGUMENTS (page 4 of the Office action)," the Examiner asserts that "an adhesive between the shrink label and a vessel is not claimed."

However, an adhesive between the shrink label and a vessel is claimed.

The wording of claim 1 before the present amendment specifically stated that the shrink label has a heat-shrinkable film and an adhesive coating film layer that is "on the side contacting the PET bottle." That is, the adhesive coating film layer must be between the heat-shrinkable film and the PET bottle, and is in contact with both the heat-shrinkable film and the PET bottle.

However, to further clarify the claim wording and to avoid any confusion, claim 1 has now been amended to recite: "... a heat-shrinkable film and an adhesive coating film layer of a coating agent (A), wherein the adhesive coating film layer lies between the heat-shrinkable film and the PET bottle in such a manner that the adhesive coating film layer is in contact with the PET bottle."

In Ezawa, there is no suggestion or motivation for providing the adhesive of Komiya between the vessel and the shrink label.

Furthermore, the advantageous effects of excellent removability, blocking resistance, and PET bottle deformation prevention can be achieved by using the adhesive coating film layer having an adhesion such that the peel strength as measured after keeping the coating film surface of the shrink label and a PET film in pressure contact with each other at a pressure of 8.5 MPa in a 40°C atmosphere for 24 hours is within the range of 5 mN/50 mm to 17 N/50 mm; and by providing the adhesive coating film layer between the heat-shrinkable film and the PET bottle in such a manner that the adhesive coating film layer is in contact with the PET bottle.

The above effects of the present invention cannot be expected based on the disclosures of Ezawa, Komiya, and Eckes.

(2) In this regard, it is possible that the recitation of the term "PET film" in addition to the terms "PET bottle" and "shrink label" in present claim 1 may have led the Examiner to misinterpret the structure

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in the claim. For instance, the Examiner may have erroneously thought that the PET bottle of Claim 1 has a shrink label and a PET film.

However, the term "PET film" recited in Claim 1 is only recited in regard to the measuring conditions for peel strength. That is, the PET bottle of Claim 1 does not have a PET film separate from the shrink label.

Since the contact area between the shrink label and the PET bottle is small in the present invention, it is difficult to accurately measure and evaluate the peel strength in such a state. It is for this reason that the "PET film" is used in measuring the peel strength, in order to accurately define the adhesion of the adhesive coating film layer. This is also evident from the disclosures on page 4, lines 27 to 34, of the present English specification.

To avoid confusion in this regard, Applicant has clarified claim 1 to recite that the adhesive coating film layer has "an adhesion such that the peel strength as measured after keeping the coating film surface of the shrink label and a PET film in pressure contact with each other at a pressure of 8.5 MPa in a 40°C atmosphere for 24 hours is within the range of 5 mN/50 mm to 17 N/50 mm."

Again, reconsideration of the rejections is respectfully requested.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time

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